

USAID Conference
Promoting Democracy, Human Rights, and Reintegration
in Post-conflict Societies
October 30-31, 1997

**International Assistance to Internal Security
Reforms:
Some Lessons From Central America
and the Caribbean**

by George R. Vickers

Washington Office on Latin America

*The views expressed in this paper are those of the author and not of USAID.
Draft: Do not quote without permission of the author.*

INTERNATIONAL ASSISTANCE TO INTERNAL SECURITY REFORMS: Some Lessons From Central America and the Caribbean¹

After decades of dictatorship and civil conflict, all but one of the countries in Central America and the Caribbean now have democratically elected governments. That is not the same thing, however, as saying that the countries of Central America and the Caribbean are now democratic societies. The legacy of authoritarianism remains manifest in corrupt and inefficient judicial systems, abusive law enforcement institutions with little capacity to investigate and solve crimes, continued impunity for the powerful, and in the residue of authoritarian political culture that acts as a drag on efforts to consolidate democratic electoral transitions by making accountable the key institutions responsible for protecting and promoting democratic values and practices. Rampant crime and enduring economic hardship pose a serious threat to the long-term sustainability of faith in the democratic option.

The international community has a significant stake in the outcome of the struggle to consolidate democracy in Central America and the Caribbean. The United Nations and the Inter-American system have played key roles in designing and brokering the democratic transition as well as in verifying and helping to implement democratic reforms. The United States, Canada and the countries of Europe and Scandinavia are heavily invested in supplying the moral, political and financial support essential if democratic forces are to prevail over the legacy of authoritarianism. The models and lessons of Central America are being applied to other post-conflict and post-authoritarian situations elsewhere in the world, and a failure to consolidate democratic reforms in this hemisphere will have profound ramifications.

Nowhere are the stakes higher nor the challenges more formidable than in efforts to demilitarize and professionalize mechanisms for maintaining internal security and public order. Prior to and during the civil conflicts that engulfed Central America during the nineteen seventies and eighties, responsibility for maintenance of public order and internal security was usually part of the role and mission of the armed forces. Militarized internal security forces, together with paramilitary “death squads” organized by and linked to these forces, were responsible for many of the most notorious and brutal practices of torture and assassination. Somewhere in the neighborhood of 300,000 Central Americans died violently during these conflicts, the majority of them non-combatants.²

Given the central role played by internal security forces in repressing civil unrest, it is not surprising that a principal topic of negotiations aimed at ending the conflicts was how to restructure and “demilitarize” responsibility for internal security. In the context of negotiations, the focus was on separating responsibility for public order from the role and mission of the armed forces and establishing civilian control. While there were important differences in the circumstances under which internal security reforms were undertaken in different countries, there were also important similarities in the nature of reforms undertaken to prevent a recurrence of past abuses. These included:

- ! Reducing the size of the military and subordinating it to civilian control.
- ! Redefining the role and mission of the armed forces to focus on protection from **external** threats.
- ! Separating the police from the military and giving police the sole responsibility for maintaining **internal** security and public order.
- ! Professionalizing the military and police by reforming doctrines, codifying procedures, improving training and standards and raising salaries.

These negotiated reforms, as well as similar reforms undertaken in Panama and Haiti where the United States used force or the threat of force to remove repressive military regimes, were designed to correct the perceived flaws of existing military-controlled public security forces in order to prevent a recurrence of massive abuses. The reforms did not anticipate the very different security threats that confronted public order forces in the post-conflict situation.

This paper examines the role of the international community in designing and assisting internal security reforms in Central America and the Caribbean, the obstacles to reform posed by post-conflict conditions, and some of the lessons suggested by these experiences.

THE ROLE OF INTERNATIONAL ACTORS

To an important extent, the experiments with reforming structures for the maintenance of public security in Central America and the Caribbean bear a foreign stamp. This may seem obvious in places like Panama and Haiti where U.S. military forces were in a position to impose and direct such reforms, but it is also the case in El Salvador and Guatemala where internationally mediated negotiations produced agreements on post-accord security reforms.

International Mediation and Public Security Reform in El Salvador

In El Salvador, for example, at the outset of negotiations the Farabundo Marti National Liberation Front (FMLN) insurgents demanded the dissolution of the armed forces, and later proposed the creation of a merged force that would combine the government and guerrilla armies. Both proposals were rejected by the government side. What eventually emerged was an agreement to limit the role of the armed forces to external defense, to substantially reduce the size of the army, to dissolve the security forces and the military's intelligence apparatus (National Intelligence Directorate--DNI), and to create in their place a new national civilian police force and an intelligence agency under direct executive control.

The new National Civilian Police force (PNC) was to be made up of individuals who had no history of direct involvement in the armed struggle, with two specific exceptions: equal numbers of former National Police and former FMLN would be allowed to join the force, on the condition that they jointly constitute less than half of the force. All entrants would have to pass

rigorous admission requirements and participate in a training program at a new civilian National Academy for Public Security (ANSP) established to train cadets and officers for the new Civilian Police.

The negotiators recognized that there would be a transitional period during which existing security forces were being dissolved and new police recruits were being trained and deployed. The accords provided that during this period the old National Police would be responsible for public order. To avoid the presence of the National Police in Conflict Zones, the accords permitted the deployment of Auxiliary Transitory Police (PATs) units made up of PNC cadets under UN supervision and leadership.

The idea of the PNC and the public security academy grew out of the need of the FMLN to have some assurance that its members would be safe as they rejoined public life and participated in the politics of the country. Police reform can thus be viewed as something demanded, and won, by the Farabundo Martí Liberation Front (FMLN) rebels, even though it was not their original priority in seeking to demilitarize Salvadoran Society. Yet to a large extent, El Salvador's police reform bears a foreign stamp. The government, though amenable to the idea of a police force that was separate from the Ministry of Defense, wanted simply to "civilianize" the existing security forces rather than replace them with something completely new. The FMLN favored a new force, but was primarily interested in assuring that their own personnel be assigned to police FMLN zones of influence. The vision for a truly national, apolitical, professional force came largely from United Nations advisors, rather than from the Salvadoran parties themselves.³

During the peace negotiations, the United Nations embraced the idea of a new civilian police force and proposed a set of specific parameters for the new police institutions that would ensure not only the protection of the FMLN, but a broader guarantee to all Salvadorans that the police would no longer be an instrument of political repression. United Nations advisors drafted proposals for the police reform sections of the accords, as well as initial drafts of enabling legislation. The United States briefed negotiators on the types of training and assistance the U.S. was prepared to offer following an accord. The Salvadoran parties each made minor modifications to these proposals and eventually agreed to them. The doctrine of the new police emphasized the defense of individual rights. A core goal of the new institutions was therefore to provide a style of policing that placed greater emphasis on skill rather than force, investigation rather than coerced confessions, and public service rather than intimidation.

In a sense, the PNC and the new ANSP were an experiment in whether the international community could transfer the norms and institutions of civilian policing to a society that had never had a genuine police force. Because of the radical nature of the reforms, and because they were to be implemented in a highly polarized, uncertain post-civil war context, all parties understood from the beginning that the United Nations and bilateral donors would play a crucial role in implementation. A technical team of United States and Spanish police advisors designed the curriculum of the new police academy, and foreign instructors provided much of the teaching during the first two years of the academy. At the urging of the United States, the United Nations mission and the Salvadoran government reached an agreement under which UN police officials

gave advice and practical training to the new force as it began to deploy.⁴ The UN missions (ONUSAL, then MINUSAL after April 1995) closely monitored the development of the new institutions and used their political leverage to influence public safety policies and the selection of top officials.⁵ Several countries, including the United States, Spain, Chile, Norway, France, Sweden, and Germany, as well as the European Union, provided material and technical assistance and added their voice to international pressures for faithful implementation of the project as outlined in the peace accords and annexes.

The United States Role in International Police Reform

Although the United Nations has played a critical role in promoting reforms of public security in Central America and verifying implementation of those reforms, the United States and Spain have been the principal actors providing hands-on technical assistance and training. For the United States, the nineteen-nineties has opened a new chapter in a long (and not always salutary) history of international police assistance.

Between 1962 and 1974 the United States operated an active program of international police training through the Office of Public Safety (OPS), a semi-autonomous agency within the U.S. Agency for International Development (AID). OPS focused on the separation of police from military functions and took a long-term approach to institution-building, providing training, technical assistance and equipment to recipient countries. Although OPS relied heavily on U.S. civilian police for trainers and advisers, its director came from the Central Intelligence Agency and a key part of its mission was to train foreign police forces in communist tactics and ideology and to help them build intelligence networks to combat communist subversion.⁶

Because of reports that OPS assistance was being used by police forces engaged in human rights abuse, the U.S. Congress shut down the program in 1974 and a year later banned nearly all international police assistance. A decade later a growing awareness of the weaknesses of criminal investigation capabilities of law enforcement units in Central America led to a modification of the congressional ban to permit “programs to enhance investigative capabilities conducted under judicial or prosecutorial control.”⁷ This authorization became the basis for the establishment within the U.S. Department of Justice of the International Criminal Investigative Training Assistance Program (ICITAP), which is today the main instrument for U.S. assistance to police training efforts worldwide.⁸

A key focus of ICITAP’s program during the late 1980’s was the creation and training of a Special Investigative Unit (SIU) in El Salvador that was designed to investigate high-profile and politically sensitive cases. A three-member cabinet-level civilian board oversaw the SIU, and cases were assigned directly by El Salvador’s president. A retired U.S. military officer employed by the State Department advised the unit, which received extensive training and equipment from ICITAP. Although U.S. officials praised the unit for securing evidence in important corruption cases and the 1980 assassination of Archbishop Romero, following the 1989 killing of six Jesuit priests and two women by Salvadoran military officers the head of the SIU advised top-ranking military officers on what key evidence to destroy.⁹ The members of the SIU were all active-duty

military officers supervised by two colonels, and the unit was never able to free itself from the political constraints that inhibited effective law enforcement more generally in El Salvador.

Following the U.S. invasion of Panama in 1989, ICITAP was assigned the challenging task of training a new civilian police force from scratch. The new Panamanian government decided to create a temporary police force out of former soldiers of the Panamanian Defense Forces, while opening a civilian training academy whose graduates would replace the former military personnel over a period of years. ICITAP offered a three-week course for the interim police beginning in May, 1990, and the U.S. military continued to conduct joint patrols with the interim police throughout 1990.

ICITAP's involvement in Panama taught it how difficult is the process of police reform in post-authoritarian regimes. In addition to highlighting the importance of establishing internal discipline mechanisms, the difficulty of recruiting cadets with adequate educational backgrounds, and the corrupting impact of including former members of militarized internal security forces in the new police, the time-frame needed to deploy a capable civilian police force proved considerably longer than anyone imagined. Eight years later, ICITAP is still involved in Panama.

The Division of Labor Between Bilateral and Multilateral Actors

El Salvador provided the first collaboration between ICITAP and the United Nations. In addition to working jointly with Spanish police advisers and Salvadoran government officials to design the curriculum for the ANSP, ICITAP trained half of the first class of top and mid-level PNC supervisors in Puerto Rico (the other half were trained by the Spanish). ICITAP helped recruit, vet and train the initial target of 5700 basic-level recruits and 240 officer-level candidates, and has continued to play a key role in supporting the ANSP, where it continues to fund several instructors. The agency also provides ongoing technical support to the director of the PNC and to a new criminal investigations division that is the successor of the SIU.¹⁰

Under the terms of the Salvadoran peace accords, the United Nations was designated as the coordinator of international support for police reform. At the ANSP there were instructors supported by the UN, the European Union, Spain and ICITAP. The UN also fielded some 300 civilian police (CIVPOL) drawn from around the world who provided accompaniment and field training for newly deployed PNC agents. ICITAP placed its instructors at the ANSP through a bilateral agreement with the Salvadoran government rather than through the UN, and UN officials complained that ICITAP did not coordinate closely with the UN political officer and principal technical adviser. Police issues were, however, included in weekly coordination meetings between the U.S. ambassador and the UN head of mission.

The relationship between the UN and the United States with respect to police reform in El Salvador was complicated by the fact that the U.S. had a prior history of working with the SIU and between 1992 and 1997 the U.S. provided or obligated more than \$32 million to the project, more than all other donors combined. The UN was also quite critical of the increasing tendency of Spain to undertake bilateral programs of support for the PNC and ANSP with little or no

consultation or coordination with other donors.

Lessons from both Panama and El Salvador shaped the effort to create a new civilian police force in Haiti after U.S. troops landed there in September, 1994. The U.S. undertook a three-step program that involved neutralizing the Haitian armed forces, establishing an Interim Public Security Force (IPSF) to provide public security, and developing a new, permanent Haitian National Police (HNP) force. The IPSF was drawn from vetted members of the old Haitian armed forces, but President Aristide directed that no more than ten percent of the new HNP could be composed of former army personnel. Ultimately, the IPSF was made up from 3500 ex-army personnel vetted by two groups of U.S. and Haitian government officials, plus 1089 Haitian refugees in Guantanamo who were given a 21-day training course by ICITAP. The ex-army personnel were also given a six-day ICITAP course.¹¹

The State Department also organized a force of 920 international police monitors from 26 countries to monitor the deployment and performance of the IPSF and the HNP. ICITAP provided a three-day orientation course for these monitors. When the U.S.-led Multinational Force was replaced by the UN Mission in Haiti (UNMIH) in March, 1995, some 900 CIVPOL took over the monitoring function, and this was later reduced to three hundred.

The much closer coordination between international military and police operations in Haiti, and the clearer delineation of tasks between multilateral and bilateral actors involved with police reform helped prevent many of the misunderstandings that hindered “whole force” police reform projects in Panama and El Salvador. However, the most recent multilateral police reform project, in Guatemala, suggests that these problems are intimately entwined with the political context in which police reform takes place.

Public Security Reforms and the Guatemalan Peace Accords

The recently concluded peace negotiations in Guatemala reflect both the very different correlation of forces from El Salvador and the fact that the mediator and parties to the negotiations had an opportunity to observe the process of reform in El Salvador and to analyze the strengths and weaknesses of that process.

The internal security reforms of the Guatemalan agreement are modeled on those in El Salvador, but with important differences that reflect the very unequal battlefield strengths of the parties to the negotiation:

- ! With regard to reforming the police, the Guatemalan accord, like the one in El Salvador, calls for the creation of a public security academy to provide a minimum of six months training to all members of a new National Civilian Police (PNC).
- ! The new PNC is to have sole responsibility for maintaining public order and internal security. The accord does not provide for any vetting of current members of the police, nor does it prevent military officers “downsized” from the army from joining the police.

As interpreted by the Guatemalan government, the accord permits the retention of almost all members of the old police.

- ! Local communities are to be involved in the recruitment process, and the new force is supposed to reflect the multiethnic character of the country.
- ! The Guatemalan accord does not establish firm deadlines for implementing many of the security reforms, although it does set very ambitious timelines for increasing the size of the new police force from the current 12,000 members to 20,000 by the end of 1999.

In mid-1996, before the Guatemalan government and the URNG began negotiations on civil-military issues, the Minister of the Interior announced that Guatemala would be adopting the “Spanish Civil Guard model” of policing and negotiated a major cooperation package with that one donor. During subsequent negotiations the Guatemalan government sought to write its agreement with the Spanish Civil Guard into the peace accords as the center of its police reform efforts. Under pressure from the UN and other bilateral donors, however, the government agreed to revise current public security legislation and structures, “based on the present accord, and for which [process] it will request international cooperation and that of MINUGUA, taking into account international standards in this area.”

In fact, while ICITAP and MINUGUA (the UN Mission in Guatemala) continue to provide cooperation to police reform efforts in Guatemala, the current division of labor puts the Spanish Civil Guard contingent in charge of overall restructuring, particularly in the operations of the new training academy. ICITAP is concentrating its own \$3 million assistance program on training and restructuring a criminal investigations unit and the crime laboratory, courses for command levels, support for an internal investigations unit, and training for investigators from the Human Rights Ombudsman’s office.

Although MINUGUA is offering technical support for police reform, the Guatemalan Ministry of the Interior has not made MINUGUA a full partner in planning and implementing the overall program. The accord limits the UN’s verification role to only a few aspects of reform, and to date the mission has been hesitant to comment publicly on progress in implementing police reforms.¹²

POST-CONFLICT SECURITY CONDITIONS AND OBSTACLES TO REFORM

In all of the post-conflict and post-authoritarian experiments with internal security reform in Central America and Haiti, reforms were primarily oriented to the past--to correcting flaws of existing repressive internal security mechanisms and trying to prevent a recurrence of the massive abuses that occurred under those systems. The reforms did not (and to some extent could not) adequately address the security conditions that prevailed in the post-conflict period. Those conditions have presented enormous challenges to the reform process. Among the central features of the post-conflict security situation are the following:

- ! There is massive infrastructure damage to the country, particularly in conflictive zones. There was also an uneven impact of the conflict between conflictive and non-conflictive zones.
- ! The conflict caused significant internal displacement, and the post-conflict period has brought a return of refugees and internally displaced.
- ! There was an economic crisis with high unemployment at the end of the conflict.
- ! Large military and internal security forces remain in place and are a significant political force. In Central America there were no effective civilian public order forces independent of the military.
- ! Members of insurgent forces awaiting demobilization feared for their personal safety and their economic prospects.
- ! With bad economic conditions and a plentiful supply of guns and people who know how to use them, crime has increased dramatically.

These conditions pose immense challenges to successful reforms of internal security mechanisms. Rampant and rising crime threatens to overwhelm the capacity of nascent civilian police forces, and generates public support for hard-line elements resisting the reform process.

The Impact of Crime on Support for Reform

El Salvador has been overwhelmed by crime. It has the highest murder rate in the Western Hemisphere, well above that of Colombia. Everybody talks about crime and has personal stories to relate, in addition to the more spectacular crimes luridly portrayed in the media. In an October 1995 IUDOP poll 37% said crime was the principal problem (20 points ahead of the second ranked problem); a June 1996 IUDOP poll listed combating crime as the most important task for the government. A January 1997 CID-Gallup poll had 95% rank crime as "very serious", ahead of economic problems.

Emboldened by polls showing citizen concern about crime, hardline forces successfully forced the government to pass tough anti-crime laws in 1996. The new laws reduced the rights of defendants by permitting extra judicial confession in some circumstances and forms of preventive detention. The already stuffed jails quickly filled to overflowing.

Guatemala faces a similar epidemic of crime. Car theft and kidnaping are everyday occurrences, with some ransom demands as low as \$1000. Private security squads have multiplied as the wealthy seek an alternative to the police, but in one recent incident the members of a private security squad were arrested in the act of kidnaping members of a family they were hired to protect. There are increasing incidents of vigilante justice against petty criminals, and there has been widespread support for a new law that reinstated the death penalty.

In both El Salvador and Guatemala organized crime is a particular threat to institutional reform through infiltration and corruption of police units. In October, 1996, Guatemalan authorities broke up an organized crime ring that included the Vice Minister of Defense and other high ranking military officers, top police officials, customs officers and private businessmen. According to officials the ring was stealing thirty percent of all customs duties. Other military and police officials have been implicated in smuggling activities. In El Salvador, police investigative units have been accused of covering up criminal activity by organized crime.

In these circumstances, a crack, veteran police force would be challenged. The Haitian National Police and the National Civilian Police in El Salvador and Guatemala are neither. Massive crime is only one of the major challenges to successful reform of internal security, however.

Resistance to Reform

The peace accords in El Salvador and Guatemala envisioned a professional, apolitical, and rights-based police force, using a community grounded presence to prevent crime and employing modern investigative techniques to solve them. The United Nations and international police training groups, from the U.S. and Spain in particular, have pushed this conception.

This vision is not universally shared by all the key actors in the two countries. There are other conceptions that have been competing for influence. Some in the business community wanted a force whose leadership would address crimes they wanted solved, while avoiding white collar crime. Some involved in war-time death squads or corruption wanted to assure their continuing influence in a new police force. Still others retain a belief in using the police as a repressive force to advance personal or partisan political agendas.

While it is too soon to assess the final outcome of this struggle among competing visions, the experiences to date highlight a number of serious problems¹³:

1. **Resistance by the military and by officers who would be adversely affected by terms of the accord.** The Salvadoran government tried to avoid dissolving the old security forces by relabeling them as new military units. Although the UN mediated an agreement whereby the security forces would be definitively dissolved and the Legislative Assembly repealed laws creating the two security forces, many National Guard and Treasury Police members continued to serve in public security roles when the National Police incorporated over 1,000 of them along with entire units from one of the demobilized attack battalions¹⁴. In addition, the government steadily postponed or rescheduled planned demobilizations of the old National Police on the grounds that crime was out of control. The official demobilization of the old National Police took place more than two years later than the date set in the accords.

In Guatemala, the accords called for the dissolution of the Mobile Military Police (PMA). While the accords permitted ex-military to join the new PNC, they were required to go

through the same selection and training process as new recruits. To get around this requirement, the Guatemalan government transferred the PMA into the Treasury Guards and interpreted the six-month training requirement to apply only to new recruits. For members of the old police force and the Treasury Guards it set a shorter training course of three months.

2. **Infiltration of the new police by criminal and corrupt elements.** In El Salvador, two special law enforcement units composed of military personnel, the Comisión de Investigación de Hechos Delictivos (the Commission for the Investigation of Criminal Acts, better known to U.S. officials as the Special Investigative Unit or SIU--see above discussion) and the Unidad Ejecutiva Anti-Narcotráfico (UEA, the Executive Anti-Narcotics Unit) were transferred wholesale into the PNC.

The transfer of these units represented a major violation of the peace accords and of the *Ley Organica* of the PNC. The United States had previously invested millions of dollars in training these units, and argued that they would provide an investigative capacity for the PNC right at the beginning. Under terms of a special agreement, detectives from the SIU and UEA were to be transferred as individuals, pending a screening process to be verified by the United Nations and retraining at the ANSP. In practice, the training never took place, hundreds of additional security forces and military personnel were transferred into these units *after* the agreement was signed, and public security officials resisted, until late 1994, fulfilling their obligation to send UEA and SIU members to the civilian academy.

Preserving these units proved to be false economy. They brought with them a culture of impunity and brutality that was completely at odds with the spirit and doctrine of the PNC. After considerable vacillation, in late 1994 the government finally decided that it would rotate them through a normal course at the academy. This triggered strikes by both units. By March of 1995, most members of these units were gone, leaving the government to start from scratch to develop new investigative units, but relieved of the potentially cancerous presence of representatives of the old order.

3. **The Creation of Parallel Police Forces.** One of the most serious problems confronting the PNC in El Salvador was the formation of "parallel" police units not contemplated in the accords (or the *Ley Organica* of the PNC) and comprised largely of non-Academy graduates. The Public Security Minister formed several special units directly under his control that bypassed the Director of the PNC and carried out operations independent of other units.

In addition, a few years ago private sector individuals concerned about kidnappings formed their own anti-kidnapping unit headed by a Venezuelan named "Zacarias." This unit operated outside of the PNC with private funding. The Minister of Public Security treated this unit as *de facto* members of the PNC operating under the authority of the Ministry, even though none of its members are ANSP graduates. This unit duplicated the official kidnaping unit of the Criminal Investigations Division.

In Guatemala, MINUGUA has reported the existence of an illegal anti-kidnapping unit operating out of the *Estado Mayor Presidencial*, a military-staffed intelligence unit based in the office of the President of the Republic that has been accused of many major human rights abuses in the past.

4. **The Failure of Internal Discipline.** The design of the PNC in El Salvador included several mechanisms for internal regulation: a Control Unit responsible for evaluating police procedures, organization, and general discipline; a Disciplinary Unit responsible for investigating violations of regulations and laws by PNC personnel; a Disciplinary Tribunal that adjudicates cases; and an Inspector General's office empowered to investigate any aspect of the functioning and regulation of the PNC.

Effective functioning of all of these institutions is essential to ensuring that the PNC develops an organizational culture of probity and accountability. Unfortunately, these institutions were established months after the PNC began to function, and have not lived up to their mandates.

The PNC functioned without an Inspector General until October 1994. The first IG was dismissed for failing to perform his job effectively and, according to some reports, a drunken shooting spree. The Minister nominated as a replacement an attorney with whom he had long standing personal and professional ties. Human Rights Ombudswoman Victoria de Avilés rejected that appointment on the grounds that the nominee was too close to the Minister and would not show sufficient independence. A stalemate ensued until a new IG was named in October, 1995.

Although the Guatemalan accords have only recently been signed, many of the same issues that arose in El Salvador seem likely to arise in Guatemala. After the accords were signed, for example, the Guatemalan government proposed and the congress approved a new *Ley Organica* for the police. The new law does not incorporate key provisions of the accords including the creation of a new police academy, and makes no mention of internal discipline units. There is already talk of transferring military officers into the police to help install "discipline" in the new force.

THE LIMITS OF INTERNATIONAL INFLUENCE

From the outset, it was predictable that there would be serious resistance to the police reforms. The history of "nation building" efforts by world powers is rife with examples of the resistance of domestic political and institutional orders to changes promoted by outsiders, even where the international actors have substantial material resources to offer.¹⁵ Domestic political actors, especially those who occupy official positions within the state, have tremendous capacity to resist pressures to give up prerogatives in the interest of democratization or state reform. Even where a majority of state officials strongly embrace reform, those who are opposed can put up effective resistance, especially if they are well-placed within the bureaucracy. The fact that the lead international protagonist of change in El Salvador would be the United Nations rather than a

bilateral actor did not necessarily improve the odds of success. The reforms provided for in the peace accords were to be implemented by a governing party (the Nationalist Republican Alliance, ARENA) with a history of involvement in political violence, close ties to the armed forces, and defense of impunity¹⁶.

Despite the potential for resistance to or distortion of the new institutions, international actors did have some important political resources for seeing the projects through. The peace accords in El Salvador provided a detailed road map for the creation of the ANSP and PNC that specified a timetable, who could join the new force, who was empowered to make and confirm key appointments, how the new PNC and ANSP would be structured, how it would be internally regulated, and what doctrines they would uphold. Since all these elements were included in the text of the peace accords, and since the United Nations was given broad powers to verify the peace accords, the UN had license to involve itself in verifying the government's implementation of the ANSP and PNC. These were extraordinary powers, well beyond those usually enjoyed by international agencies attempting "nation building." International clout was supplemented by the fact that the Salvadoran government faced enormous financial burdens associated with post-war reconstruction, demobilization and "reinsertion" of former combatants, and institutional reforms mandated by the peace accords. The government was highly dependent on receiving a clean bill of health from the United Nations: major criticisms of its implementation of the peace accords could translate into reduced financial support from abroad and a potentially disastrous inability to carry out essential post-war policies.

The presence of the UN observer mission with its extraordinary powers, and the relative enthusiasm of bilateral donors to contribute during the initial cease-fire and reconstruction phase, were inherently short-lived. From the start it was clear that the international community's role would decline over time and that in the long run, the democratic and apolitical nature of PNC and ANSP would depend on the choices made by Salvadorans. When donors failed to respond as generously as hoped to UN requests for aid for the new police project, it became clear that the international community's contribution would be more qualitative than quantitative. Only nine percent of project costs were financed by international donors in 1993 and 1994 (mostly by the United States), with the balance falling on the government. With a relatively brief window of political influence, and with few resources to work with, international agencies could only hope that during the first few years of the project, they could inculcate enough democratic policing doctrine, institutionalize healthy enough procedures and methods, teach enough technique, and raise high enough public expectations that the new force would remain genuinely civilian-controlled, professional, apolitical, and accountable to the public¹⁷.

The UN belatedly tried to create a domestic actor with a stake in internal security reform by recommending the creation of a National Council of Public Security composed of prominent individuals to oversee the PNC and to design solutions to ongoing problems. The Council was established in early 1996, but has yet to develop a unified vision of its role and mandate. One problem has been the limited time commitment of the high-profile members.

In Guatemala the basic framework is the same as in El Salvador, but the UN has tried to

begin much earlier to focus on strengthening the involvement of domestic actors. The domestic verification mechanism includes representatives of civil society as well as the parties to the negotiations. MINUGUA began in-country verification of the human rights accord a year and a half before a comprehensive settlement was reached (compared with four months in El Salvador), and included institutional strengthening as a primary task from its inception. The Guatemalan accords also called for the establishment of technical commissions with membership drawn from affected sectors to work out detailed plans for implementing each of the agreements.

LESSONS LEARNED

The very different historical contexts in which internal security reforms were attempted in Central America and Haiti make facile generalizations dangerous. The domestic and international dynamics in each country differed in critical ways, and there were significant differences in the components of reform projects undertaken in different countries. In some ways that makes it all the more striking that some of the same problems have repeatedly been manifest. While it may be going to far to say that there are clear “lessons” to be learned from police reform efforts in Central America and the Caribbean, it is certainly possible to make some observations about key elements of reform projects that seem to have a strong impact on the chances of success.

The first and most important observation is that **political will** by the national government to carry out agreed-upon reforms is essential to success. Among the benchmarks of political will are the following:

- ! Has the government named reform-minded officials to key posts?
- ! Do these officials have sufficient power and commitment to confront sectors opposed to reforms of internal security?
- ! Are government officials able and willing to discipline cases of abuse by the post-accord security forces?
- ! What is the track record of post-accord security forces in investigating cases of political violence and organized crime?
- ! Are military and public security budgets transparent and subject to effective oversight?

A second observation is that the **time span** needed to accomplish fundamental reforms of internal security mechanisms is substantially longer than the one to three year period typically provided for in peace accords. What is involved is not simply the creation or strengthening of institutions, but the transformation of political culture. Systems with no legal tradition of oral trials in which public security forces have traditionally been instruments of state repression, lacking basic training in criminal investigation and forensic science, cannot overnight be transformed into systems boasting professional, rights-based police forces. The task is made more difficult by the continuing deep polarization of societies that makes the historical victims of police

repression suspicious and/or dismissive of even the possibility of reform.

A third observation, which follows from the last, is that greater attention must be paid to ensuring that **domestic organizations have the capacity** to monitor and oversee internal security reforms. International assistance and verification will necessarily be of limited duration, and cannot succeed without the active support and involvement of quasi-governmental and non-governmental actors who can continue to press for reform after the international presence is gone.

The quality of police leadership plays a crucial role in success or failure of the reform effort. Given the strong legacy of authoritarianism, the attitude and example of top and mid-level officials sets the tone for the behavior of rank-and-file police officers. The recruitment and training of officials committed to, and capable of, building and supervising a demilitarized and professional police force must be a top priority of the reform process.

Vetting and retraining of officers who served in the military or in the old security forces is essential. The record suggests that officers with a history of abusive behavior will repeat that history in the new force and their behavior will poison efforts to create a different institutional culture. Even when officers do not have such a history it is essential that they be re-trained in the new doctrine and procedures of the reformed institution. It is also a mistake to transfer intact into the new force units from the military or old security forces. They invariably become centers of resistance to the reform process.

Internal discipline mechanisms must be established and staffed at the very beginning of the reform process. This is important symbolically as a statement of seriousness about reform, and practically as an essential step to prevent the spread and consolidation of corruption and abuse within the new force. Internal disciplinary mechanisms must have sufficient independence and authority to carry out their responsibilities.

There are other important priorities, of course. Raising standards and salaries to attract better qualified personnel is essential, as is an ongoing program of advanced training to supplement the basic course. But in the absence of attention to the issues cited above such measures are unlikely to lead to a more professional public security force.

The last, but by no means the least, observation concerns the process of **transition** from the old force to the new. In a context of rampant and rising crime, with a potential security vacuum created by the withdrawal of the military from internal security functions, the experience of Central American countries suggests that there is no satisfactory way to provide interim security free from the risks of abuse and involvement of elements of the old security forces. The best that can be achieved is to make this involvement as transparent as possible and to build a firewall between the interim mechanisms and the creation of a new force. In El Salvador (and in Haiti) this was done by providing international police monitors to accompany the interim force, but this is an expensive option that is not available in Guatemala.

In El Salvador and Guatemala interim security measures have also included assigning military units to police duties under the command of civilian police officials, but there are reasons to doubt the effectiveness of civilian control in these situations. Nevertheless, the alternatives to such “messy” arrangements are even worse. Failure to reduce crime leads to both vigilante actions by outraged citizens and to calls for a return of repressive measures. Speeding up the training and deployment of new police forces is ineffective in reducing crime and tends to generate disillusionment with the reform process before it can be consolidated. While far from satisfactory, it seems better to accept the need for “impure” mechanisms of interim security while the new force is adequately trained and gradually deployed to maximize the chances of success in the long-term.

The experiments with police reform in Central American and the Caribbean demonstrate the limits of and obstacles to internal security reform, but they also demonstrate the possibility of building a national consensus to create civilian institutions capable of respecting rights and providing citizen security. It is still a bit early to judge how successful these new public security forces will be at restoring public confidence in the ability of democratic governments in the region to provide basic security, while at the same time avoiding the corruption and repressive excesses of their predecessors. The obstacles to success are formidable and the temptations to revert to more familiar patterns are substantial. The international community’s challenge in trying to increase chances for success must be to remain engaged for the long haul with technical assistance and support, to help countries learn from their own and others’ experiences, and to respectfully insist that there are basic values and principles at the root of law enforcement in a democratic society.

Endnotes

1. Sections of this paper appeared in an earlier paper by the author, Vickers, "Renegotiating Internal Security."
2. Although there is no definitive tally of deaths, the best estimates are that approximately 140,000 died during Guatemala's civil war, 50,000 during the civil war against Somoza in Nicaragua and another 30,000 in the "contra war" against the Sandinistas, and 75,000 in the conflict in El Salvador.
3. Interviews, UN officials. One UN official who participated in the negotiations said that the FMLN envisioned their forces being "sheriffs" in areas where they had large numbers of supporters. UN advisors convinced them to consider a more institutionalized, national force. The accords were fairly specific regarding the doctrine, mechanisms of civilian control, and initial makeup of the PNC. A draft of the *Ley Organica* of the PNC was annexed to the accords. The police experts who designed the reform represented Canada, Spain, France, Sweden, and Venezuela. The mission was headed by Jesús Rodes, director of the Escuela de Policía de Cataluña, who also served as a UN advisor on police issues during the peace negotiations (Costa 1994). The United States also briefed the negotiators on the types of training and equipment the U.S. was prepared to offer if a settlement was reached.
4. The Police Division of the United Nations Observer Mission in El Salvador was originally deployed to accompany the old National Police during the transition phase and to ensure that the PN did not commit abuses. As the new civilian force began to deploy, ONUSAL police provided practical training and advice, until that relationship was suspended by the government in September 1993. By the time the training relationship was restored in mid-1994, ONUSAL's police division was scaling back, making it impossible to return to the close, daily support that the mission provided at the outset.
5. The original United Nations Observer Mission in El Salvador (ONUSAL) was replaced in April 1995 by a smaller mission called the International Mission of the United Nations to El Salvador (MINUSAL), which was to verify government compliance with the remaining elements of the peace accords, including land transfers, judicial reform, and public security.
6. According to a declassified 1962 State Department report, the CIA had personnel "integrated in AID police programs in ten of the 27 countries in which AID has programs..." See U.S. Department of State, "Interdepartmental Technical Subcommittee on Police Advisory Assistance Programs."
7. This language was included in Section 534(b)(3) of the Foreign Assistance Act in 1985.
8. For a fuller discussion of ICITAP's history and evolution, see Call, "Police Assistance and the New World Disorder."
9. For a fuller account see Whitfield, Paying the Price: Ignacio Ellacuría and the Murdered Jesuits of El Salvador. Also see *Report of the UN Truth Commission for El Salvador*.
10. As of March, 1997, ICITAP continued to maintain an FBI project manager in El Salvador, five U.S. teaching fellows, five Chilean carabinero instructors at the ANSP, and five advisers to various PNC divisions. For a fuller discussion see Call, *Police Assistance*, pp. 13-16.
11. For a fuller description of the police reform effort in Haiti, see Neild, *The Haitian National Police* and (CITE RN UPDATE). Also see National Coalition for Haitian Rights/Washington Office on Latin America (WOLA)/Human Rights Watch, *The Human Rights Record of the Haitian National Police*.

12. For a more complete analysis of initial progress in Guatemalan police reforms, see Garst, *Poor Start to Guatemalan Police Reform*.
13. For a comprehensive account of progress and problems in the implementation of the internal security components of the Salvadoran peace accords, see the following reports of Hemisphere Initiatives: Vickers et al., *Endgame: A Progress Report on Implementation of the Salvadoran Peace Accords*; Popkin et al., *Justice Impugned: The Salvadoran Peace Accords and the Problem of Impunity*; Stanley et al., *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*; Spence et al., *A Negotiated Revolution? A Two Year Progress Report on the Salvadoran Peace Accords*; Popkin et al., *Justice Delayed: The Slow Pace of Judicial Reform in El Salvador*; Spence et al., *The Salvadoran Peace Accords and Democratization: A Three Year Progress Report and Recommendations*; Stanley et al., *Protectors or Perpetrators? The Institutional Crisis of the Salvadoran Civilian Police*; Spence et al., *Chapúltepec: Five Years Later: El Salvador's Political Reality and Uncertain Future*.
14. United Nations, *Report of the Secretary-General on the United Nations Observer Mission in El Salvador*, p. 10. Also see Stanley, *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*, p. 17.
15. Shafer, *Deadly Paradigms: The Failure of U.S. Counterinsurgency Policy*; MacDonald, *Adventures in Chaos: American Intervention for Reform in the Third World*; Peceny, *The Promotion of Democracy in U.S. Policy During Interventions*; and Peceny, "Two Paths to the Promotion of Democracy During U.S. Military Interventions."
16. See Pyes' Pulitzer Prize winning series of articles in the *Albuquerque Journal*, and Stanley, *The Protection Racket State*. See also declassified documents of the CIA Directorate of Intelligence: "El Salvador: Dealing with Death Squads"; "El Salvador: D'Aubuisson's Terrorist Activities"; "Members and Collaborators of the Nationalist Republican Alliance (ARENA) Paramilitary Unit Headed by Hector Regalado"; and "El Salvador: Controlling Rightwing Terrorism."
17. The most important international actors were ONUSAL, the United States Justice Department's International Criminal Investigations Training and Assistance Program (ICITAP), and the Spanish government's police training program.